

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In Re:

Elmer L. Richardson,

Debtor(s).

Chapter 13

Case No. 19-10614-JDW

NOTICE OF OBJECTION TO CLAIM

YOU ARE HEREBY NOTIFIED that an objection to your claim has been filed in the above referenced bankruptcy case. Your claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your claim, a written response to the attached objection to must be filed with:

Shallanda J. Clay, Clerk
U.S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

and a copy must be served on the undersigned Debtor(s)' attorney and the Chapter 13 Trustee on or before thirty (30) days from the date of this notice. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

DATED: May 13, 2019

CHAPTER 13 STANDING TRUSTEE:

Locke D. Barkley
6360 I-55 North, Suite 140
Jackson, Mississippi 39211

/s/ Jimmy E. McElroy
Attorney for Debtor(s)
3780 S. Mendenhall
Memphis, Tennessee 38115
(901) 363-7283

Certificate of Service

The undersigned certifies that the above notice and objection was mailed VIA United State Postal Service or electronically noticed to all parties listed below on May 13, 2019.

/s/ Jimmy E. McElroy

Elmer L. Richardson, 4685 Barn Acre Road, Sardis, MS 38666
Chapter 13 Trustee - sbeasley@barkley13.com
US Trustee - USTPRegion05.AB.ECF@usdoj.gov
Santander Consumer USA, 1601 Elm St., #800, Dallas, TX 75201

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Chapter 13

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Debtor.

OBJECTION TO ALLOWANCE OF CLAIM 8

Comes now the above named Debtor, by and through counsel, and hereby objects to the allowance of the claim numbered 8 filed by following creditor:

Santander Consumer USA, 1601 Elm St., #800, Dallas, TX 75201, filed a secured claim for a 2006 Toyota Tundra, in the amount of \$27,293.68. Debtor would show unto the Court that he filed a Chapter 7 Case in the Northern District of Mississippi on June 30, 2010 and was discharged on November 12, 2010. The debtor surrendered his interest in the vehicle and did not reaffirm the debt; therefore, said debt has been discharged.

WHEREFORE, Debtor prays that this matter be set for a hearing, that said claim be disallowed with prejudice, that the Chapter 13 Trustee modify the plan accordingly, and that he have such other and further relief as is just.

Respectfully submitted,

/s/ Jimmy E. McElroy, MS Bar #2540
Attorney for Debtor
3780 S. Mendenhall
Memphis, Tennessee 38115

Certificate of Service

The undersigned certifies that the above objection was mailed VIA United State Postal Service or electronically noticed to all parties listed below on May 13, 2019.

/s/ Jimmy E. McElroy

Elmer L. Richardson, 4685 Barn Acre Road, Sardis, MS 38666
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ORDER ON OBJECTION TO ALLOWANCE OF CLAIM 8 (Dkt. __)

This cause came before the Court on an Objection by Debtor to allowance of claim 8, and it appeared that after notice to all interested parties, there was no objection to same, and the Court finds as follows:

1. The claim of Santander Consumer USA, in the secured amount of \$27,293.68, is disallowed, with prejudice.
2. The Chapter 13 Trustee is directed to modify the plan to comply with this order.

##END OF ORDER##

APPROVED:

/s/ Jimmy E. McElroy MSB #2540

Attorney for Debtor

3780 S. Mendenhall Road

Memphis, TN 38115

(901) 363-7283

mcelroylawms@hotmail.com